

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE: U. S. PATENT NO. 6,020,329
ISSUED: FEBRUARY 1, 2000
TO: JOHN HARGREAVES BATESON, ET AL.
FOR: CEPHALOSPORINS AND HOMOLOGUES, PREPARATIONS AND
PHARMACEUTICAL COMPOSITIONS
ASSIGNEE: PFIZER INC.

**Application for Interim Patent Term
Extension Under 35 U.S.C. § 156(e)(2)**

Mail Stop Hatch-Waxman PTE
Office of Patent Legal Administration
Room MDW 7D55
600 Dulany Street (Madison Building)
Alexandria, VA 22314

Dear Sir:

This paper serves as an application for an interim patent term extension of U.S. Patent No. 6,020,329 ("the '329 patent") under 35 U.S.C. § 156(e)(2).

Pfizer Inc. (referred to herein as "Applicant") respectfully requests an interim extension under 35 U.S.C. § 156(e)(2) of the term of the '329 patent for a period of one year from the expiration date of the '329 patent, which is July 22, 2011, such that the expiration date of the '329 patent will be extended until July 22, 2012.

On June 22, 2008, Applicant filed an Application for Extension of Patent Term under 35 U.S.C. § 156 for the '329 patent, based on the regulatory approval of CONVENIA® (cefovecin sodium) on April 25, 2008. Applicant has requested extension of the term of the '329 patent from July 22, 2011, to July 23, 2015.

On August 7, 2008, The USPTO sent a initial letter to the Food and Drug Administration ("FDA"), indicating the PTO's view that the '329 would be eligible for extension of the patent term under 35 U.S.C. § 156.

On September 2, 2009, the FDA responded to the PTO confirming CONVENIA® was subject to a regulatory review as the first permitted commercial marketing or use of the product, as defined under 35 U.S.C. § 156(f)(1).

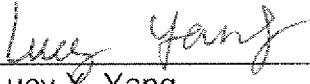
On November 25, 2009, the PTO sent a second letter to the FDA requesting FDA's determination with respect to the applicable regulatory review period.

Since then, there is no official communications between the two agencies. Under 37 C.F.R. §1.760, an application for an interim patent term extension under 35 U.S.C. § 156(e)(2) should be filed at least three months prior to the expiration date of the patent. The '329 patent expires July 22, 2011, which makes this application for an interim patent term extension timely within the meaning of 37 C.F.R. §1.760.

In view of the approaching expiration date of the '329 patent Applicant respectfully requests an interim extension of the '329 patent under 35 U.S.C. § 156(e)(2) be granted well before July 22, 2011.

Respectfully submitted,

Dated: March 2nd, 2011


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